



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Johannes Jacobus MEERMAN et al.

Group Art Unit: 1791

Application No.: 10/500,713

Examiner: J. WOLLSCHLAGER

Filed: July 6, 2004

Docket No.: 119567

For: METHOD FOR MANUFACTURING FILAMENTS FROM AN OPTICALLY
ANISOTROPIC SPINNING SOLUTION AND AIR GAP SPINNING DEVICE

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the February 3, 2010 Notification of Non-Compliant Appeal Brief, Applicants respectfully submit that the Notification is in error. The Appeal Brief was filed on October 26, 2009. The Appeal Brief follows the new format set forth in the notice published on June 10, 2008, in the **Federal Register** (Rules of Practice Before the Board of Patent Appeals and Interferences in Ex Parte Appeals; Final Rule, 73 FR 32938 (June 10, 2008), 1332 Off. Gaz. Pat. Office 47 (July 1, 2008)).

On November 20, 2008, the Office published a clarification notice stating that the Office will not hold an Appeal Brief as non-compliant solely for following the new format. See Clarification of the Effective Date Provision in the Final Rule for Ex Parte Appeals, 73 FR 70282 (November 20, 2008). Because the Office is now considering the final rule anew, and in light of the potential modifications to the final rule, for purposes of consistency, the Office indicated that it will now no longer accept Appeal Briefs in the new format on or after

30 days from the publication of that notice. *See* Rules of Practice Before the Board of Patent Appeals and Interferences in Ex Parte Appeals; Request for Comments on Potential Modifications to Final Rule and Notice of Roundtable During Comment Period, 74 FR 67989 (December 22, 2009). Thus, Appeal Briefs in the new format would be accepted up until January 20, 2010.

Because this Appeal Brief was filed under the new format, and was filed well prior to the January 20, 2010 cut-off date for filing Appeal Briefs under the new format, the Notification is in error. Withdrawal of the Notification is respectfully requested.

Respectfully submitted,



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Date: March 5, 2010

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